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Attorneys for plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Patricia Galvin, ) No: C 07 05195 JF  
Plaintiff, )  
v. )  
Provident Life and Accident )  
Insurance Company as Administrator )  
and Fiduciary of the Group Long )  
Term Disability Plan for Heller, )  
Erhman, White & McAuliffe, et al., )  
Defendants. )

**STIPULATION AND [PROPOSED]  
ORDER RE: ADR COMPLIANCE  
DATE AND CONTINUANCE OF  
CASE MANAGEMENT CONFERENCE**

The parties in the above-captioned matter, through their respective attorneys of record, enter into the following stipulation and request the Court to enter an order accordingly:

1. On May 9, 2008, the Court ordered that the parties complete their ADR by June 30, 2008, and scheduled a further case management conference for July 11, 2008, at 10:30 a.m.

2. As the Court may recall, this is a somewhat unusual ERISA long term disability case which began in early 2003 and culminated in a reassessment of

plaintiff's claim under the terms of the California Settlement Agreement defendant entered into with the California Department of Insurance. It may present several unique issues relating to the contents of the administrative record, the scope of the Court's review of that record, and the standard of review to be applied. The administrative record consists of at least 3000 pages of documents and may be much larger.

3. On April 11, 2008, counsel met with the mediator, Michael Loeb of JAMS, in an attempt to define the central issues in this case and determine how to best streamline the mediation process with an eye toward economy, while ensuring an adequate substantive review of the relevant issues. On May 14, 2008, the parties filed fairly extensive brief's with the mediator pursuant to his request. It was contemplated that a mediation would take place sometime in June of 2008.

3. Approximately two weeks ago, counsel received a communication from the mediator's office stating he wished to have a conference call on July 7, 2008. That conversation took place as planned and the mediator explained that there were several additional issues he thought the parties should brief prior to the hearing. The mediator also proposed a mediation date sometime during the last two weeks of August 2008, given the trial and vacation schedules of everyone involved.

4. Counsel agreed to check with their respective clients as to their availability and conference with the mediator by week's end in order to select a hearing date.

5. In light of the forgoing, the parties hereby request that the Court extend the ADR compliance date until September 12, 2008, and continue the currently scheduled case management conference until a mutually convenient time shortly thereafter.

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1 Respectfully submitted,  
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5 **ROBOOSTOFF & KALKIN**  
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8 Dated: July 7, 2008  
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11 /s/  
12 Scott Kalkin  
13 Attorney for plaintiff  
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17 **WILSON, ELSER, MOSKOWITZ,**  
18 **EDELMAN & DICKER, LLP**  
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20 Dated: July 7, 2008  
21

22 By: /s/  
23 John C. Ferry  
24 Attorneys for Defendants  
25 Provident Life and Accident Insurance  
26 Company as Administrator and  
27 Fiduciary of the Group Long Term  
28 Disability Plan for Heller, Erhman, White  
Disability Plan for Heller, Erhman, White  
& McAuliffe, and the Group Long Term  
& McAuliffe  
Disability Plan for Heller, Erhman, White  
& McAuliffe

IT IS SO ORDERED.

Dated: 7/8/08

By:   
Judge of the United States District  
Court for the Northern District of  
California